

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.30103 of 2016 (O&M)
Date of decision : 25.10.2016**

Satvir Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. C.K.Singla, Advocate
for the petitioner.

Ms. Simri Dhir Malhotra, DAG, Punjab.

Mr. G.S.Dhaliwal, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.33, dated 09.03.2015 registered under Sections 302/427/148/149 IPC and Sections 25/27/54/59 of Arms Act at Police Station Dehlon, District Ludhiana City.

As per the allegations the petitioner gave a kirpan blow to Naib Singh which resulted in amputation of his left thumb.

Learned counsel for the petitioner has argued that actually the entire allegation is false. There was a dispute about the possession of a piece of land which was owned by the petitioner's father. Petitioner's father's brother had gone to plough that land when he was attacked by the complainant party and when he tried to escape on the tractor one Gurdev

Singh, who was an innocent bystander, came under the tractor and died. Therefore, the false case under Section 302 IPC has been foisted and the petitioner has been implicated falsely and was originally kept in column No.2.

Learned Deputy Advocate General and learned counsel for the complainant have, however, clarified that originally the medical report in respect of the injured was inconclusive and that is why the petitioner was put in column No.2 and as soon as the medical report came, which clarified that the imputation was not self inflicted, the petitioner's status was changed.

Learned counsel for the petitioner has relied upon ***Vinay Tyagi Vs. Irshad Ali @ Deepak and others, 2013 (2) RCR (Criminal) 197***, wherein it was held as follows :-

“30. Having analysed the provisions of the Code and the various judgments as afore-indicated, we would state the following conclusions in regard to the powers of a magistrate in terms of Section 173(2) read with Section 173(8) and Section 156(3) of the Code :

6. It has been a procedure of propriety that the police has to seek permission of the Court to continue ‘further investigation’ and file supplementary chargesheet. This approach has been approved by this Court in a number of judgments. This as such would support the view that we are taking in the present case.”

In my opinion, this judgment would not be strictly applicable because here the petitioner was kept in column No.2 only awaiting the report of the medical board. It is not a case where any further investigation as such was carried out.

Consequently the petition is dismissed.

(AJAY TEWARI)
JUDGE

Pooja sharma-I

Yes/No

Yes/No